IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

WP(C).No. 20737 of 2006(R)

AGAINST THE ORDER DATED 20/07/06 IN EP 329/ 2004 IN OS.10/2004 of PRL.MUNSIFF COURT, PALAKKAD

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PETITIONERS:

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1. **C.PARAMESWARAN, S/O.CHINNAN,**
   AGED 52 YEARS, RESIDING AT QUARTER NO.6,
   BEHIND KANJIKODE RAILWAY STATION,
   KANJIKODE, PALAKKAD.

2. **K.C.MUTHU, S/O.CHAMI,**
   SR.L.R.GATE KEEPER, SR.SECTION P.WAY EAST,
   SOUTHERN RAILWAY, PALAKKAD.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT:

THE STATE BANK OF TRAVANCORE,
CHANDRANAGAR BRANCH,
REP. BY ITS BRANCH MANAGER.

BY ADV. SRI.M.PATHROSE MATTHAI (SR.)
SRI.RONY J.PALLATH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.20737/2006 R

APPENDIX

PETITIONER'S EXHIBIT:

EXT.P1: **COPY OF THE ORDER DATED 20/07/06 IN E.P.NO.329/04 IN O.S.NO.10/04 OF THE COURT OF THE MUNSIFF, PALAKKAD.**

/TRUE COPY/

P.S.TO JUDGE

KSS

M.N.KRISHNAN, J

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W.P.(C) No.20737 OF 2006

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Dated this the 4th day of September 2007

JUDGMENT

This writ petition is filed to set aside the order of arrest passed by the Principal Munsiff, Palakkad in E.P.No.329 of 2004 in O.S.No.10 of 2004. The decree holder is a bank. The attitude of the writ petitioners is not upto the expectation and in spite of an order to pay an amount of Rs.10,000/- about an year back , it is seen that no amount is paid. The decree holder will be satisfied, if he gets the money. It is not their intention to send the writ petitioners to civil prison. Therefore I am inclined to grant some time with some stringent conditions. (1)Petitioners are directed to pay a sum of Rs.20,000/-(rupees twenty thousand only) on or before 4.10.2007 and pay the balance amount in 3 equal monthly instalments.(2) If the petitioners commit default in payment of Rs.20,000/- or any of the instalments, the benefit granted to them will automatically stand cancelled and the decree holder is at liberty to request the court to send the judgment debtors to prison. I also negative the right of the petitioners hereafter to raise the plea

of no means.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-